

Assembly Bill No. 3495

CHAPTER 202

An act amend Section 13108 of the Health and Safety Code, to add Sections 4145 and 5080.27 to, and to add and repeal Sections 515 and 14306.5 of, the Public Resources Code, and to amend Section 38225 of the Vehicle Code, relating to natural resources, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 20, 1996. Filed with
Secretary of State July 22, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3495, Kaloogian. Natural resources.

(1) Existing law sets forth, in regard to state institutions and state-occupied buildings, the duties of the State Fire Marshal with regard to the preparation and adoption of building standards relating to fire protection in the design and construction of the means of egress and the adequacy of exits and the installation and maintenance of fire alarm and fire extinguishment equipment or systems, the preparation and adoption of regulations, other than building standards, for the installation and maintenance of equipment and furnishings that present unusual fire hazards, and the enforcement of certain regulations and standards relating to fire and panic safety. Existing law authorizes a local fire chief to enter any state institution, or state-owned or state-occupied building, to prepare a fire suppression preplanning program, and to investigate any fire in a state-occupied building, and authorizes the State Fire Marshal to authorize a local chief fire official to make certain inspections of state-owned or state-occupied buildings for the purpose of enforcing certain regulations and standards relating to fire and panic safety.

This bill would delete the provisions summarized above relating to the duties and authority of the State Fire Marshal with regard to state-occupied buildings, and make conforming changes relating to local chief fire officials and fire chiefs.

(2) Existing law vests the Department of Parks and Recreation with specified powers and duties, including control over the state park system.

This bill would prescribe procedures for the operation and funding of the department during the 1996–97 fiscal year, as specified.

(3) Existing law establishes the Department of Forestry and Fire Protection and requires the department to perform various functions pertaining to forest resources and fire protection.

This bill would express the Legislature's intent that cooperative agreements that are entered into between the department and local

government provide for the equitable sharing of costs associated with capital outlay projects that enlarge, enhance, or replace facilities for the purpose of benefiting the cooperating local government, and would require the department to prescribe those terms and conditions for those agreements that would result in an equitable sharing of those costs in proportion to the benefits derived, as specified. The bill would require that any installment payments that are made in connection with a cooperative agreement that is entered into pursuant to those provisions be made over a period of time not exceeding 20 years at the same rate of interest as the state's Pooled Money Investment Account, and would require that any reimbursements for facility improvement costs under a cooperative agreement be deposited in the General Fund.

(4) Existing law authorizes the Department of Parks and Recreation to enter into concession contracts for units of the state park system, subject to specified requirements.

This bill would authorize the department to enter into a concession contract for the development, operation, and maintenance of the Crystal Cove Historic District as a public use facility for a period of up to 60 years, upon those terms and conditions that the department determines are in the best interest of the state.

(5) Existing law establishes the California Conservation Corps in the Resources Agency for the purpose of implementing and administering various activities and programs intended to enhance the educational opportunities and employability of the state's youth.

This bill would prescribe procedures for the operation and funding of the corps during the 1996–97 fiscal year, as specified.

(6) Existing law requires the payment of a \$9 service fee to the Department of Motor Vehicles for the issuance or renewal of identification of off-highway motor vehicles subject to identification, except as provided, and requires, until January 1, 2003, the payment of an additional \$6 special fee to be paid at the time of payment of the service fee for the issuance or renewal of an identification plate or device.

This bill would decrease to \$7 the amount of the service fee required to be paid for the issuance or renewal of identification of off-highway motor vehicles subject to identification, and would, until January 1, 2003, increase to \$8 the additional special fee for the issuance or renewal of an identification plate or device.

(7) The bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 13108 of the Health and Safety Code is amended to read:

13108. (a) Except as limited by Chapter 6 (commencing with Section 140) of Division 1 of the Labor Code and Section 18930 of this code, the State Fire Marshal shall prepare and adopt building standards, not inconsistent with existing laws or ordinances, relating to fire protection in the design and construction of the means of egress and the adequacy of exits from, and the installation and maintenance of fire alarm and fire extinguishment equipment or systems in, any state institution or other state-owned building and submit those building standards to the State Building Standards Commission for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13. The State Fire Marshal shall prepare and adopt regulations other than building standards for the installation and maintenance of equipment and furnishings that present unusual fire hazards in any state institution or other state-owned building.

(b) The fire chief of any city, county, or fire protection district, or that person's authorized representative, may enter any state institution or any other state-owned or state-occupied building for the purpose of preparing a fire suppression preplanning program or for the purpose of investigating any fire in a state-occupied building.

(c) Except as otherwise provided in this section, the State Fire Marshal shall enforce the regulations adopted by him or her and building standards relating to fire and panic safety published in the California Building Standards Code in all state-owned buildings and state institutions throughout the state. Upon written request from the chief fire official of any city, county, or fire protection district, the State Fire Marshal may authorize that chief fire official and his or her authorized representatives, in their geographical area of responsibility, to make fire revention inspections of state-owned buildings, other than state institutions, for the purpose of enforcing the regulations relating to fire and panic safety adopted by the State Fire Marshal pursuant to this section and building standards relating to fire and panic safety published in the California Building Standards Code. Authorization from the State Fire Marshal shall be limited to those fire departments or fire districts that maintain a fire prevention bureau staffed by paid personnel.

(d) Any requirement or order made by any chief fire official pursuant to this section may be appealed to the State Fire Marshal. The State Fire Marshal, upon receiving an appeal and subject to the provisions of Chapter 5 (commencing with Section 18945) of Part 2.5 of Division 13, shall determine if the requirement or order made is reasonably consistent with the fire and panic safety regulations adopted by him or her and building standards relating to fire and panic safety published in the California Building Standards Code.

SEC. 2. Section 515 is added to the Public Resources Code, to read:



515. (a) Notwithstanding any other provision of law, the department is hereby granted the authority, for which it may expend funds appropriated by the Budget Act of 1996, to do either of the following:

(1) Exercise the same authority granted to the Division of the State Architect and the Office of Real Estate and Design Services in the Department of General Services to acquire, plan, design, construct, and administer contracts and professional services.

(2) Permit the Prison Industry Authority to participate as a competitive bidder, rather than as the sole source with regard to contracts and services.

(b) Notwithstanding any other provision of law, the director, or his or her designee, in lieu of the Director of Finance, is authorized to carry out subdivisions (b), (c), and (d) of Section 31.00 of the Budget Act of 1996.

(c) Notwithstanding subdivision (a) of Section 948 and Section 965 of the Government Code, the director, or his or her designee, in lieu of the Director of Finance, is authorized to certify funds for the payment of all legal settlements, State Board of Control claims, judgments, and tort claims, for which the department has sufficient expenditure authority and funds without the need for an augmentation.

(d) Notwithstanding Section 11032 of the Government Code, the director, or his or her designee, may authorize its officers and employees to travel outside the state or country without approval by any other agency, and the funds appropriated by the Budget Act of 1996 may be used for that purpose.

(e) (1) Notwithstanding Sections 8647, 11005, and 11005.1 of the Government Code, but subject to paragraphs (2) and (3) of this subdivision, the department may accept gifts and donations of personal and real property without approval by the Director of Finance. The department shall bear any costs associated with the acceptance of those gifts and donations, and the funds appropriated by the Budget Act of 1996 may be used for this purpose. The department shall not certify the fair market value of any gift or donation of real property without performing its own appraisal.

(2) Upon receipt of any gift or donation of real property, the department shall certify to the Department of Finance in writing that:

(A) The gift or donated property will have minimal impact on the operation and maintenance costs and the department will absorb the costs within its existing budget.

(B) The gift or donated property is adjacent to an existing park.

(C) The gift or donated property promotes park purposes.

(D) The gift or donated property has no evidence or history of environmental hazards or contamination.



(E) There are no lawsuits pending concerning the property, and clear title is a condition of the acceptance of the gift or donation.

(F) The gift or donated property has an estimated fair market value of less than five hundred thousand dollars (\$500,000).

(G) There are no provisions that will restrict the department or the state from divesting title to the gift or donated property.

(H) There are no structures on the property, or any structures on the property will be razed.

(3) If one or more of the criteria listed in paragraph (2) are not met, the department shall obtain approval from the Department of Finance to accept the gift or donation of real property. Any gifts and donations that will require future budget change proposals shall be submitted to the Department of Finance for approval.

(f) Notwithstanding Section 12439 of the Government Code, the department is exempt from the provisions that abolish, effective July 1, 1996, any positions that were vacant continuously during the period between October 1, 1995, and June 30, 1996.

(g) Notwithstanding any other provision of law, the director, or his or her designee, in lieu of the Director of Finance, is authorized to approve Budget Revision, Standard Form 26.

(h) Notwithstanding Section 16304.1 of the Government Code, the director, or his or her designee, in lieu of the Director of Finance, is authorized to carry out this section as it relates to the reversion of undisturbed balances and the payment of unpaid encumbrances.

(i) This section shall become inoperative on June 30, 1997, and, as of January 1, 1998, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 1998, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 3. Section 4145 is added to the Public Resources Code, to read:

4145. (a) It is the intent of the Legislature that cooperative agreements that are entered into between the department and a local government shall provide for the equitable sharing of costs associated with capital outlay projects that enlarge, enhance, or replace facilities for the purposes of benefiting the cooperating local government.

(b) The department shall prescribe those terms and conditions for those cooperative agreements that would result in an equitable sharing of those costs in proportion to the benefits derived, including any in-kind, lump-sum, or installment payments. Any installment payment made in connection with a cooperative agreement entered into pursuant to this section shall be made over a period of time not exceeding a maximum of 20 years at the same rate of interest as the rate for the state's Pooled Money Investment Account. Any money that is received for reimbursements for facility improvement costs, under a cooperative agreement, shall be deposited in the General Fund.

SEC. 4. Section 5080.27 is added to the Public Resources Code, to read:

5080.27. Notwithstanding any other provision of law, the department is authorized to enter into a concession contract for the development, operation, and maintenance of the Crystal Cove Historic District as a public use facility for a period of up to 60 years, upon those terms and conditions that the department determines to be in the best interests of the state.

SEC. 5. Section 14306.5 is added to the Public Resources Code, to read:

14306.5. (a) Notwithstanding Section 11032 of the Government Code, the corps may authorize its officers and employees to travel outside the state without approval by any other agency, and the funds appropriated by the Budget Act of 1996 may be used for that purpose.

(b) Notwithstanding subdivisions (b), (c), and (d) of Section 31.00 of the Budget Act of 1996, the corps may authorize new positions, reclassifications, transfers to blanket authorizations, and the establishment of a blanket authorization, without prior notification to the Department of Finance or the Legislature, and the funds appropriated by the Budget Act of 1996 may be used for that purpose. The corps shall report to the Department of Finance and the Legislature on a quarterly basis regarding actions taken pursuant to this authority.

(c) Notwithstanding Sections 8647, 11005, and 11005.1 of the Government Code, the corps may accept gifts and donations of personal property without approval by the Director of Finance. The corps shall bear any costs associated with the acceptance of those gifts and donations, and the funds appropriated by the Budget Act of 1996 may be used for that purpose.

(d) Notwithstanding Section 19080.3 of the Government Code, the corps may make limited-term appointments, not exceeding a period of four years for any appointment, without the review or approval of the State Personnel Board, and the funds appropriated by the Budget Act of 1996 may be used for that purpose.

(e) Notwithstanding Section 2807 of the Penal Code, the corps may procure corpsmember-related goods and services from the private sector, and the funds appropriated by the Budget Act of 1996 may be used for that purpose. Notwithstanding this grant of authority, the corps shall contract with the Prison Industry Authority for this purpose if the Prison Industry Authority is able to meet the cost, quality, and time requirements established by the corps for the goods or services.

(f) Notwithstanding Sections 13332.06, 13332.08, and 14669 of, and Chapter 6 (commencing with Section 14825) and Chapter 6.5 (commencing with Section 1483.5) of Part 5.5 of Division 3 of Title 2 of, the Government Code, and Chapter 1 (commencing with Section 10100), Chapter 2 (commencing with Section 10290), and

Chapter 3 (commencing with Section 12100) of Part 2 of Division 2, the corps may execute contracts, procure all goods and services, including any fleet needs within 60 days or less, and negotiate all lease agreements for office, warehouse, and other appropriate facilities without review or approval by the Department of General Services and pursuant to methods and procedures other than those set forth in the State Administrative Manual, and funds appropriated by the Budget Act of 1996 may be used for that purpose. The authority with regard to lease agreements set forth in this subdivision does not alter the authority or responsibilities of the Department of General Services concerning the consolidation of offices in the Sacramento metropolitan area or the consolidation plans for other metropolitan areas in the state.

(g) Notwithstanding Sections 14931 and 14931.1 of, or Part 6.5 (commencing with Section 15250) of Division 3 of Title 2 of, the Government Code, the corps may purchase electronic data processing and telecommunications goods and services, not exceeding one million dollars (\$1,000,000) for any one procurement, without the requirement of review or approval by the Department of General Services and pursuant to methods and procedures other than those set forth in the State Administrative Manual, and funds appropriated by the Budget Act of 1996 may be used for that purpose. The corps shall continue to use the Department of General Services CALNET, except that, if the department is unable to provide the information and maintenance required for the corps' statewide data base network on a cost-competitive and timely basis, the corps shall be exempt from any restrictions relating to CALNET that are imposed by the Office of Telecommunications of the Department of General Services.

(h) Notwithstanding Chapter 7 (commencing with Section 14850) of Part 5.5 of Division 3 of Title 2 of the Government Code, the corps may procure printing services for its district field offices without the requirement of review or approval by the Department of General Services and pursuant to methods and procedures other than those set forth in the State Administrative Manual, and funds appropriated by the Budget Act of 1996 may be used for that purpose. In soliciting competitive bids for the procurement of those services, the Sacramento headquarters of the corps shall consider the Department of General Services and the Office of State Printing as it would any other bidder.

(i) This section shall become inoperative on June 30, 1997, and, as of January 1, 1998, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 1998, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 6. Section 38225 of the Vehicle Code, as amended by Section 3 of Chapter 970 of the Statutes of 1995, is amended to read:



38225. (a) A service fee of seven dollars (\$7) shall be paid to the department for the issuance or renewal of identification of off-highway motor vehicles subject to identification, except as expressly exempted under this division.

(b) In addition to the service fee specified in subdivision (a), a special fee of eight dollars (\$8) shall be paid at the time of payment of the service fee for the issuance or renewal of an identification plate or device.

(c) All money transferred pursuant to Sections 8352.6 and 8352.7 of the Revenue and Taxation Code, all fees received by the department pursuant to subdivision (b), and all day use, overnight use, or annual or biennial use fees for state vehicular recreation areas received by the Department of Parks and Recreation, shall be deposited in the Off-Highway Vehicle Trust Fund, which is hereby created. There shall be a separate reporting of special fee revenues by vehicle type, including four-wheeled vehicles, three-wheelers, motorcycles, and snowmobiles. All money shall be deposited in the fund, which is a trust fund, and, upon appropriation by the Legislature, shall be allocated by the Off-Highway Motor Vehicle Recreation Commission, as provided in this section. Money in the fund shall be administered by the commission, as trustee of the fund, and, subject to Section 5090.61 of the Public Resources Code, shall be allocated for those purposes set forth in Sections 38240 and 38240.1.

(d) Any money temporarily transferred by the Legislature from the Off-Highway Vehicle Trust Fund to the General Fund shall be reimbursed, without interest, by the Legislature within two fiscal years of the transfer.

(e) This section shall remain in effect only until January 1, 2003, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2003, deletes or extends that date. Any unencumbered funds remaining in the Off-Highway Vehicle Trust Fund on January 1, 2003, shall be transferred to the General Fund.

SEC. 7. Section 38225 of the Vehicle Code, as amended by Section 4 of Chapter 970 of the Statutes of 1995, is amended to read:

38225. (a) A service fee of seven dollars (\$7) shall be paid to the department for the issuance or renewal of identification of off-highway motor vehicles subject to identification, except as expressly exempted under this division.

(b) This section shall become operative on January 1, 2003.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to make the necessary statutory changes to implement the Budget Act of 1996 at the earliest possible time, it is necessary that this act take effect immediately.

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